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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,017	11/14/2003	John David Sarlay	IEX 2318001	8907
21909	7590	02/23/2009		
CARR LLP 670 FOUNDERS SQUARE 900 JACKSON STREET DALLAS, TX 75202			EXAMINER CHONG CRUZ, NADJA N	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 02/23/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/714,017	Applicant(s) SARLAY ET AL.	
	Examiner NADJA CHONG CRUZ	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 15-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>14 November 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

Request for Information Under 37 CFR § 1.105

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The information is required to identify products and services embodying the disclosed subject matter of rescheduling workloads by generating and updating a contact handled intraday value and to identify the properties of similar products and services found in the prior art.

In response to this requirement, please provide copies of each publication which any of the applicants authored or co-authored and which describe the disclosed subject matter of rescheduling workloads by generating and updating a contact handled intraday value.

An issue of public use or on sale activity has been identified with respect to this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows: Please provide additional details regarding TotalView™ Workforce Management or other products/services for rescheduling workloads (e.g. please provide the user's guides for all versions of TotalView™ Workforce Management and products/services available prior to the submission of the instant application, including at least user's guide, manuals or other documentations detailing the capabilities, features and functions of previous versions of TotalView™ Workforce Management) including details as to when various releases/versions of the product were available and/or sold.

- TotalView™ Workforce Management Product as evidenced by IEX Corporation Announces TotalView: The Workforce Management Solution (TotalView, pages 20-22, February 8, 1995).

In response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter.

In response to this requirement, please state the specific improvements of the subject matter in claims 1-14 and 22-27 over the disclosed prior art and indicate the specific elements in the claimed subject matter that provide those improvements.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete response to the enclosed Office action must include a complete response to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action, which is 3 months. The period for reply to an office action on the merits is ordinarily set for 3 months.

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623

DETAILED ACTION

Status of Claims

1. This is a Non-Final office action in reply to the application filed on 9 December 2008.
2. Claims 1-14 and 22-27 are currently pending and have been examined.
3. Claims 15-21 have been withdrawn from consideration.

Election/Restrictions

4. Applicant's election of Group I in the reply filed on 9 December 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Priority

5. Applicant's claim for the benefit of a prior-filed application, Provisional Application No. 60/426,555, under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Claim Objections

6. Claims 1, 3, 8, 12, 22 and 26-27 are objected to because of the following informalities:
7. As per claim 1, 26 and 27, recites "selecting a contacts forecasted to be received (CRF) value for the selected period"; "selecting a contacts forecasted to be handled (CHF) value for the selected period"; "generating a contacts handled intraday value (CHI) for the selected period as at least a function of the (CHF) value for the selected period." As per claim 3 recites "further comprising setting a contacts to be received intraday (CRI) value". As per claim 8 recites "further comprising determining whether a number of contacts actually handled (CHA) value in a previous period is available". As per claim 12 recites "a contacts handled scheduled (CHS) value for the same previous period". And as per claim 22 recites "update a contact handled intraday (CHI) value for at least one time period". The use of parenthesis in this instance is objected to for the following reasons. First, the use of parenthesis in a sentence is typically limited to the inclusion of unimportant, or superfluous information and unimportant, or superfluous information should not

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be recited in a patent claim with one exception. The MPEP, at paragraph 608.01(m) allows for the enclosure of reference numerals, corresponding to the figures, within parenthesis. However, in this case, the terms "CRF", "CHF", "CHI", "CRI", "CHA" and "CHS" are not a reference numerals. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
9. Claims 1-14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
10. As per claim 1 recites the limitation *performing at least part of one or more steps above on at least one processing device*. Claim 1 fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention because how a step is performed by at least part of it? Appropriate correction is required.
11. As per claim 2 recites the limitation *the device*, as per claim 7 recites the limitation *CRA value*, as per claims 9-10 and 12 recites the limitation *the CHA value*. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
13. Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent and recent Federal Circuit decisions, *88 USPQ2d 1385 In re Bilski U.S. Court of Appeals Federal Circuit*. A method claim must meet a specialized, limited meaning to qualify as a patent-eligible process claim. As clarified in *Bilski*, The test for a method claim is whether the claimed method is (1) tied to a particular

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machine or apparatus, or (2) transforms a particular article to a different state or thing. This is called the "machine or-transformation test" (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

14. There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a specific article in an insignificant step, such a data gathering or outputting, is not sufficient to pass the test.
15. Nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See *Benson*, 409 U.S. at 71-72. As *Comiskey* recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." *Comiskey*, 499 F.3d at 1380 (citing *In re Grams*, 888 F.2d 835, 839-40 (Fed. Cir.1989)). Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one. Claims 2-14 inherit the same deficiencies as claim 1 and are therefore rejected for the same reasons as claim 1.
16. Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one. Claims 2-14 inherit the same deficiencies as claim 1 and are therefore rejected for the same reasons as claim 1.

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17. Claims 26-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As recited, claims 26-27 are directed toward a computer program, software per se. However, under the current guidelines of 35 USC 101, computer software must be tangibly embodied on a computer readable medium, and, when executed by a computer processor, perform the steps of the software. In their broadest reasonable interpretation and in light of the specification, claims 26-27, as recited, can be interpreted to be embodied on abstract mediums such as carrier waves and signals, and therefore not eligible for patent protection. Accordingly, claims 26-27 are not eligible for patent protection.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1-14 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over TotalView™ Workforce Management, IEX (<http://web.archive.org/web/19990202142334/www.iex.com/products/ccp/Default.htm>) (1998-2001) hereinafter "TotalView" in view of Jordan et al., (US 5,289,368) hereinafter "Jordan".

Claim 1:

TotalView as shown discloses a method and computer program product for rescheduling workload, the method and computer program product comprising:

- *selecting a period* (Weekly Plan Monitor, page 7, which illustrate a shift (e.g., a period) selected);
- *generating a contacts handled intraday value (CHI) for the selected period as at least a function of the (CHF) value for the selected period;* (IEX Corporation Announces TotalView: The Workforce Management Solution, page 20 which teaches that

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"[i]ntraday management capabilities include immediate schedule changes" (e.g., to generate and update) "based on call volume" (e.g., a function of the (CHF) value) "and customer service goals.". Further, Intraday Management – A detailed look at performance, page 27 which teaches that "[t]otalView analyzes workload trends and compares staff availability to requirements. New ACD/MIS data is immediately analyzed, projections for the business day prepared and adjustments recommended." (e.g., generating a contact handled intraday value for the selected period). "Built-in networking immediately communicates changes in schedules and service level to all affected users.");

- *and performing at least part of one or more steps above on at least one processing device* (TotalView Workstation, page 41, which teaches that "[p]ersonal computers with Microsoft Windows are the management workstations to access all TotalView functions.");

TotalView teaches a "comprehensive forecasting features help to evaluate current or future staff requirements" (e.g., selecting contacts forecasted) "and explore possible changes in workload or operating goals", like "**Short-Term Forecasting** plans 15 minute, 30 minute or day-to-day intervals". Further, TotalView provides a "[p]owerful time-series statistical forecasting tools and the patented IEX Enhanced Erlang C algorithm work with your historical data, goals and operating parameters to forecast individual time periods. Weighted historical forecasting data includes growth, seasonality, day-of-week and day-of-month trends." (TotalView, page 7, 1st ¶)

TotalView allows selecting contacts to be forecasted as illustrated in the figures of page 12, "Forecasted Requirements" and "Forecasted Calls", TotalView does not expressly teach the contacts to be received and to be handled. However, Jordan in an analogous art of managing contacts schedules during a forecasted time period for the purpose of contacts forecasted to be received and to be handled (column 2, lines 41-45) as shown does:

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- *selecting a contacts forecasted to be received (CRF) value for the selected period* (column 2, lines 41-43, which teaches “a forecast of call load expected to occur during relatively small individual future time periods”);-
- *selecting a contacts forecasted to be handled (CHF) value for the selected period* (column 2, lines 43-45, which teaches “the number of agents required to service the expected call load during each individual period”);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to select a contacts forecasted to be received and to be handled as taught by Jordan, to improve TotalView, thereby giving the predictable result of providing “a management system for personnel of a call center which includes tools to develop and adjust short term forecasts to quickly reflect special call-handling events and to develop forecasts that capture long-term variations in call activity” (Jordan, column 2, lines 35-40).

Claims 25 and 26:

The limitations of claims 25 and 26 encompass substantially the same scope as claim 1. Accordingly, those similar limitations are rejected in substantially the same manner as claim 1, as described above. The following are the limitations of claims 25 and 26 that differ from claim 1.

- *code; code for updating the CHI value* (TotalView Workforce Management Software, page 2 and page 7, last ¶, which teaches “[u]pdate the plan based on the automatically re-forecasted intraday requirements” (e.g., CHI value));

Claim 2:

TotalView as shown discloses the following limitation:

- *wherein the device is an electronic device* ((TotalView Workstation, page 41, which teaches that “[p]ersonal computers with Microsoft Windows are the management workstations to access all TotalView functions.”);

Claim 3:

TotalView as shown discloses the following limitation:

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- *further comprising setting a contacts to be received intraday (CRI) value for the selected period equal to the CRF value for the selected period* (Weekly Plan Monitor, page 7, which teaches that "[u]pdate the plan" (e.g., setting CRI value equal to CRF value) based on the automatically re-forecasted intraday requirements" Intraday Management Screen, page 9, which teaches that "[p]eriodic ACD/MIS data is immediately analyzed projections for call volume, handle time, service level and staff requirements are prepared and adjustments recommended" (e.g., setting CRI value equal to CRF value));

Claim 4:

TotalView does not expressly teach the contacts to be received and to be handled. However, Jordan in an analogous art of managing contacts schedules during a forecasted time period for the purpose of contacts forecasted to be received and to be handled (column 8, lines 53-54) as shown does

- *further comprising incrementing the selected period to a next period* (column 8, lines 53-54, which teaches that "[c]all volumes and AHT are forecast in preferably half-hour increments" (e.g., the selected period to a next period));

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to select a contacts forecasted to be received and to be handled as taught by Jordan, to improve TotalView, thereby giving the predictable result of providing "a management system for personnel of a call center which includes tools to develop and adjust short term forecasts to quickly reflect special call-handling events and to develop forecasts that capture long-term variations in call activity" (Jordan, column 2, lines 35-40).

Claim 5:

TotalView as shown discloses the following limitation:

- *further comprising setting the CHI value to equal the CHF value for a plurality of periods* (Weekly Plan Monitor, page 7, which teaches that "[u]pdate the plan" (e.g.,

setting CHI value equal to CHF value) based on the automatically re-forecasted intraday requirements” Intraday Management Screen, page 9, which teaches that “[p]eriodic ACD/MIS data is immediately analyzed projections for call volume, handle time, service level and staff requirements are prepared and adjustments recommended” (e.g., setting CHI value equal to CHF value));

Claim 6:

TotalView as shown discloses the following limitation:

- *further comprising determining a preliminary CHI value for the selected period* (Intraday Management Screen, page 9, last ¶, which teaches that “[v]iew historical adherence to plan with deviations measured to forecast, plan or intraday projection” (e.g., a preliminary CHI value));

Claim 7:

TotalView as shown discloses the following limitation:

- *further comprising summing a propagation of at least one CRA value or at least one CRI value, or both, to the selected period to obtain a preliminary CHI value* (Weekly Plan Monitor, page 7, which teaches that “[u]pdate the plan based on the automatically re-forecasted intraday requirements” (e.g., a preliminary CHI value), Intraday Management Screen, page 9, which teaches that “[p]eriodic ACD/MIS data is immediately analyzed” (e.g., summing a propagation of at least one CRA or CRI value), “projections for call volume, handle time, service level and staff requirements are prepared and adjustments recommended” (e.g., obtaining a preliminary CHI value));

Claim 8:

TotalView as shown discloses the following limitation:

- *further comprising determining whether a number of contacts actually handled (CHA) value in a previous period is available* (Figures on page 12, which teaches that “[c]harts are updated in real-time allowing high-level monitoring of call center

operations" where the figures illustrates actual calls (e.g., contacts actually handled and requirements);

Claim 9:

TotalView as shown discloses the following limitation:

- *further comprising wherein if the CHA value of a previous period is available, updating the CHI value for the selected period as a function of the preliminary CHI value of the selected period, the CHI value for a previous period and the CHA value for the same previous period* (Weekly Plan Monitor, page 7, which teaches that "[u]pdate the plan based on the automatically re-forecasted intraday requirements" (e.g., updating the CHI value). "See the staff availability updated in real-time" (e.g., CHA value is available) "as schedules are edited at each site" and Intraday Management Screen, page 9, which teaches that "[p]eriodic ACD/MIS data is immediately analyzed, projections for call volume, handle time, service level and staff requirements are prepared and adjustments recommended" (e.g., updating the CHI value). "Monitor a single site or a consolidated view of multiple sites. View historical adherence to plan with deviations measured to forecast, plan or intraday projection".);

Claim 10:

TotalView as shown discloses the following limitation:

- *further comprising wherein if the CHI value for the previous period is greater than the CHA value for the previous period, updating the CHI value for the present period by adding a difference between the CHI value of the previous period and the CHA value of the previous period to the preliminary CHI value of the selected period* (Weekly Plan Monitor, page 7, which teaches that "[u]pdate the plan based on the automatically re-forecasted intraday requirements" (e.g., updating the CHI value). "See the staff availability updated in real-time" (e.g., CHA value is available) "as schedules are edited at each site" and Intraday Management Screen, page 9, which teaches that "[p]eriodic ACD/MIS data is immediately analyzed" (e.g., CHI value is

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greater than CHA value), projections for call volume, handle time, service level and staff requirements are prepared and adjustments recommended" (e.g., adding a difference between the CHI value and the CHA value to the preliminary CHI value). "Monitor a single site or a consolidated view of multiple sites. View historical adherence to plan with deviations measured to forecast, plan or intraday projection".);

Claim 11:

TotalView as shown discloses the following limitation:

- *wherein if the CHI value for the previous period is not greater than the CHA value for the previous period, updating the CHI value for the selected period equal to the preliminary CHI value for the selected period (Weekly Plan Monitor, page 7, which teaches that "[u]pdate the plan based on the automatically re-forecasted intraday requirements" (e.g., updating the CHI value). "See the staff availability updated in real-time" (e.g., CHA value is available) "as schedules are edited at each site" and Intraday Management Screen, page 9, which teaches that "[p]eriodic ACD/MIS data is immediately analyzed" (e.g., CHI value is not greater than CHA value), projections for call volume, handle time, service level and staff requirements are prepared and adjustments recommended" (e.g., updating the CHI value equal to the preliminary CHI value). "Monitor a single site or a consolidated view of multiple sites. View historical adherence to plan with deviations measured to forecast, plan or intraday projection".);*

Claim 12:

TotalView as shown discloses the following limitation:

- *further comprising wherein if the CHA value of the previous period is not available, generating the CHI value for the selected period as a function of the preliminary CHI value of the selected period, the CHI value for a previous period and a contacts handled scheduled (CHS) value for the same previous period (Weekly Plan Monitor, page 7, which teaches that "[u]pdate the plan based on the automatically re-*

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forecasted intraday requirements” (e.g., updating the CHI value), Intraday Management Screen, page 9, which teaches that “[p]eriodic ACD/MIS data is immediately analyzed” (e.g., CHA value is not available), projections for call volume, handle time, service level and staff requirements are prepared and adjustments recommended” (e.g., updating the CHI value). “Monitor a single site or a consolidated view of multiple sites. View historical adherence to plan with deviations measured to forecast, plan or intraday projection.” And page 20, 2nd ¶ which teaches that “[i]ntraday management capabilities include immediate schedule changes” (e.g., a contact handled scheduled value) “based on call volume and customer service goals.”);

Claim 13:

TotalView as shown discloses the following limitation:

- *further comprising wherein if the CHI value for the previous period is greater than the CHS value for the previous period, updating the CHI value for the present period by adding the difference between the CHI value of the previous period and the CHS value of the previous period to the preliminary CHI value of the selected period* (Weekly Plan Monitor, page 7, which teaches that “[u]pdate the plan based on the automatically re-forecasted intraday requirements” (e.g., updating the CHI value). “See the staff availability updated in real-time as schedules” (e.g., CHS value) “are edited at each site” and Intraday Management Screen, page 9, which teaches that “[p]eriodic ACD/MIS data is immediately analyzed” (e.g., CHI value is greater than CHS value), projections for call volume, handle time, service level and staff requirements are prepared and adjustments recommended” (e.g., updating the CHI value by adding the difference between the CHI value and the CHS value). “Monitor a single site or a consolidated view of multiple sites. View historical adherence to plan with deviations measured to forecast, plan or intraday projection”).);

Claim 14:

TotalView as shown discloses the following limitation:

- *further comprising wherein if the CHI value for the previous period is not greater than the CHS for the previous period, updating the CHI value for the present period equal to the preliminary CHI value for the selected period* (Weekly Plan Monitor, page 7, which teaches that "[u]pdate the plan based on the automatically re-forecasted intraday requirements" (e.g., updating the CHI value). "See the staff availability updated in real-time as schedules" (e.g., CHS value) "are edited at each site" and Intraday Management Screen, page 9, which teaches that "[p]eriodic ACD/MIS data is immediately analyzed" (e.g., CHI value is not greater than CHS value), projections for call volume, handle time, service level and staff requirements are prepared and adjustments recommended" (e.g., updating the CHI value equal to the preliminary CHI value). "Monitor a single site or a consolidated view of multiple sites. View historical adherence to plan with deviations measured to forecast, plan or intraday projection".);

20. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over TotalView™ Workforce Management, IEX (<http://web.archive.org/web/19990202142334/www.iex.com/products/ccp/Default.htm>) (1998-2001) hereinafter "TotalView".

Claim 22:

TotalView as shown discloses a system for calculating a contacts handled intraday value, the system comprising:

- *a server for providing contacts data* (TotalView Server, page 41);
- *a management system coupled to the server* (TotalView Configurations, page 41, which the figures illustrates different configurations of management system (e.g., TotalView Workforce Management) coupled to the server);

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- *wherein the management system is configured to generate and update a contact handled intraday (CHI) value for at least one time period* (Intraday Management Screen, page 9, which teaches that "to plan with deviations measured to forecast, plan or intraday projection", IEX Corporation Announces TotalView: The Workforce Management Solution, page 20 which teaches that "[i]ntraday management capabilities include immediate schedule changes" (e.g., to generate and update) "based on call volume and customer service goals.". Further, Intraday Management – A detailed look at performance, page 27 which teaches that "[t]otalView analyzes workload trends and compares staff availability to requirements. New ACD/MIS data is immediately analyzed, projections for the business day prepared and adjustments recommended." (e.g., to generate and update a contact handled intraday for a least one time period). "Built-in networking immediately communicates changes in schedules and service level to all affected users.");

TotalView does not expressly assign the adjustment or forecasted value as a contact handled intraday (CHI) value, however it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize the adjustment or forecasted value as a contact handled intraday value because TotalView provides "[i]ntraday management capabilities include immediate schedule changes based on call volume and customer service goals." (TotalView, page 9) Further, TotalView is a "[p]owerful, open-architecture design provides superior performance and allows for future growth in call workload, employees and sites." (TotalView, page 4).

Claim 23:

TotalView as shown discloses the following limitation:

- *further comprising a database coupled to the management system, wherein the database is configured to store contacts* (TotalView Server, page 41, which teaches that "[t]he TotalView server provides superior performance for intensive computing, large databases and network management" and Detailed Analysis and Reporting,

page 33, which teaches that “[t]he software's extensive data storage capacity captures three years of detailed history” (e.g., contacts) “for forecasting.”);

Claim 24:

TotalView as shown discloses the following limitation:

- *wherein the contact comprises at least one e-mail message* (Multimedia Forecasts and Service Levels, page 31, which teaches that “contacts such as email”);

Claim 25:

TotalView as shown discloses the following limitation:

- *wherein the contact comprises at least one telephone message* (Multimedia Forecasts and Service Levels, page 31, which teaches “incoming telephone calls”);

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Muller (US 5,561,711) discloses a predictive calling scheduling system and method.
- Bogart et al., (US 6,163,607) disclose an optimizing call-center performance by using predictive data to distribute agents among calls.
- Nourbakhsh et al., (US 2003/0009520 A1) disclose a method and apparatus for multi-contact scheduling.
- Hollman, Keeping on schedule with workforce management software, *Call Center Magazine*, April 2001, disclose a workforce management software that determine staffing needs in order to have enough agents working at any given moment to handle every incoming call and collects historical data from a phone switch to estimate call volumes to determine how many agents need to be on the phone during a regular shift.
- Xu, Long Range Planning for Call Centers at Fedex, *The Journal of Business Forecasting*, Winter 1999-2000, disclose various forecasts prepared and models used at FedEx.

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- Reynolds, The science of call center management, *Communications News*, Oct. 1998, disclose the use of Erlang C to predict the need for staff in an incoming call environment.
- Wijnen, Staffing Software Enables Better Service Call centers turn to workforce management software to enhance service, retain employees. *Bank Technology News* Jul 2000, disclose that the software can be used to coordinate schedules across several separate call centers that back each other up.

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This Office action has an attached requirement for information under 37 C.F.R. § 1.105. A complete response to this Office action must include a complete response to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nadja Chong** whose telephone number is **571.270.3939**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BETH BOSWELL** can be reached at **571.272.6737**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450*

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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401 Dulany Street
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/Nadja Chong/ Examiner, Art Unit 3623

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623